

**CITY OF MAPLE VALLEY, WASHINGTON
ORDINANCE NO. O-12-515**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY ESTABLISHING A
TRANSPORTATION BENEFIT DISTRICT WITHIN THE CORPORATE
LIMITS OF THE CITY OF MAPLE VALLEY, PROVIDING FOR
SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING
FOR CORRECTIONS.**

WHEREAS, the City Council of the City of Maple Valley has the responsibility for providing funding for the improvement, maintenance, and preservation of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, the City has limited transportation funding sources to pay for the costs necessary to preserve, improve and maintain the City's existing transportation infrastructure (public ways); and

WHEREAS, the ongoing annual costs to preserve, improve and maintain the City's transportation infrastructure is approximately \$300,000 and is expected to increase over time, placing an increasing burden on the City's general fund; and

WHEREAS, the Washington State Transportation Commission and the Washington State Department of Transportation released the Washington Transportation Plan, 2007-2026 ("WTP") on November 24, 2006, a requirement of federal law; and

WHEREAS, the WTP projected an estimated \$38 billion shortfall in meeting the identified \$67 billion needed for state-wide transportation improvements; and

WHEREAS, the WTP stated that the core principle of the investment guidelines is that the existing transportation system cannot be allowed to deteriorate and investment in existing transportation facilities is the cornerstone for improved safety, economic vitality, mobility, and personal and environmental health; and

WHEREAS, preservation is the number one investment guideline in the WTP, in large part due to the significant anticipated shortfall in revenue anticipated to meet the transportation funding need; and

WHEREAS, the City of Maple Valley has two state highways (SR 169 and SR 516) that provide the major transportation corridors through the City and there is currently no dedicated funding for improvement to either of these state highways; and

WHEREAS, transportation and growth issues are inextricably linked and the WTP forecasts that population in the Central Puget Sound area will grow by 2 million people over the 20-year planning horizon in that document; and

WHEREAS, the Washington State Transportation Commission developed the Washington Transportation Plan 2030 in December 2010, which again emphasized the “critical” need to preserve and maintain existing transportation infrastructure rather than building new facilities, and stated, “taking action to preserve and improve the transportation system has direct economic benefits”; and

WHEREAS, the revenue available to cities from the state’s collection of various gas and fuel taxes is small in comparison to the cost of cities’ responsibilities to fund the preservation, improvement, and maintenance of local transportation facilities; and

WHEREAS, state studies show that a combination of rising fuel prices, and decreases in fuel consumption due to shifts to hybrid and electric vehicles have resulted in a decline in vehicle miles traveled which in turn reduces the amount of fuel tax collected by the state and therefore results in an overall reduction of the amount of fuel tax remitted to cities by the state; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a Transportation Benefit District subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, in addition to the state’s transportation plans, regional and local transportation plans emphasize the need to preserve and maintain current infrastructure in order to maximize investment and avoid costly reconstruction and failure of existing transportation facilities; and

WHEREAS, the City Council desires to form a Transportation Benefit District which includes the entire City of Maple Valley as the boundaries of the Transportation Benefit district as those boundaries currently exist or as the boundaries are hereafter expanded due to annexation; and

WHEREAS, prior to establishing a Transportation Benefit District, the City Council is required to conduct a public hearing upon proper notice to describe the functions and purposes of the proposed Transportation Benefit District; and

WHEREAS, the City provided proper notice, conducted a public hearing on October 22, 2012, and accepted public comment regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050;

NOW, THEREFORE, THE MAPLE VALLEY CITY COUNCIL DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to establish the Maple Valley Transportation Benefit District (“district”) pursuant to RCW 35.21.225 and Chapter 36.73 RCW for the purpose of funding the maintenance, improvement and preservation of existing transportation facilities. The funding shall be consistent with any state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The district is a quasi-judicial corporation and is an independent taxing authority within the meaning of Article VII of the state Constitution, and is a “taxing district” within the meaning of Article VII, section 2 of the state Constitution. In order to carry out its purpose, the district governing Board shall have all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by law.

Section 2. Findings. The City Council finds it is in the public interest to establish the Maple Valley Transportation Benefit District whose boundaries are the boundaries of the City of Maple Valley as they currently exist or as they may change following future annexations. The City Council further finds that it is in the public interest to provide adequate levels of funding for transportation improvements that specifically focus on: (1) reducing the risk of transportation facility failure and improving safety; (2) decreasing travel time; (3) increasing daily and peak period trip capacity; (4) improving modal connectivity; (5) preserving and maintaining optimal performance of transportation infrastructure over time so as to avoid more expensive infrastructure replacement in the future; and (6) for general improvements of transportation facilities to serve the needs of the electors of the district.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 4. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and this ordinance shall take effect and be in full force five days after adoption and publication pursuant to RCW 35A.13.190.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
26TH DAY OF NOVEMBER, 2012.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Christy A. Todd, City Attorney

Date of Publication: December 4, 2012

Effective Date: December 9, 2012